

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN MOORE,	:	
	:	
Petitioner,	:	CIVIL ACTION NO. 22-2574
	:	
v.	:	
	:	
JAMIE SORBER, THE DISTRICT	:	
ATTORNEY OF THE COUNTY OF	:	
PHILADELPHIA, and THE ATTORNEY	:	
GENERAL OF THE STATE OF	:	
PENNSYLVANIA,	:	
	:	
Respondents.	:	

**ORDER**

**AND NOW**, this 24th day of August, 2023, the Third Circuit Court of Appeals having granted the petitioner, John Moore (“Moore”), permission to file a second or successive habeas petition under 28 U.S.C. § 2254, *see* Doc. No. 1; and the Third Circuit having also transferred Moore’s second or successive habeas petition to this court, *see* Doc. No. 2; and this court having entered an order on July 25, 2022, which stayed this matter to allow Moore to exhaust his state-court remedies relating to a petition he had filed pursuant to Pennsylvania’s Post Conviction Relief Act (“PCRA”), *see* Doc. No. 6; and the court having later closed this case for statistical purposes with the intent to reopen it once those state-court proceedings concluded, *see* Doc. No. 7; and

**THE COURT HAVING** recently reviewed the publicly available docket entries for Moore’s underlying criminal case in the Court of Common Pleas of Philadelphia County, *see Commonwealth v. Moore*, No. CP-51-CR-201061-1998 (Philadelphia Cnty. Ct. Com. Pl.), *available at*: <https://ujportal.pacourts.us/Report/CpDocketSheet?docketNumber=CP-51-CR-0201061-1998&dnh=w%2BWsudOeBaAyma4QXmp%2FdA%3D%3D>; and it appearing from those docket entries that in June 2023, the Honorable Scott DiClaudio entered an order granting

Moore's PCRA petition, vacating his sentence, and ordering a new trial, *see id.*; and it also appearing that Moore later pleaded guilty to third-degree murder, with the government having *nolle prossed* all other charges, *see id.*; and it further appearing that on July 10, 2023, Judge DiClaudio imposed a sentence of a minimum of 13 years to a maximum of 26 years' incarceration on the third-degree murder conviction, while also giving Moore credit for time served, *see id.*; and it appearing that Moore did not file an appeal from his judgment of sentence, *see id.*; and

**IT THEREFORE APPEARING** from these docket entries that the instant second or successive section 2254 motion may be mooted by the resolution of Moore's PCRA petition; accordingly, it is hereby **ORDERED** that Moore's counsel shall file with the court, no later than **Wednesday, August 30, 2023**, a report addressing the status of those state-court proceedings and whether this case is impacted by those proceedings.

BY THE COURT:

/s/ Edward G. Smith  
EDWARD G. SMITH, J.